

Exhibit BB

163

1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 UNITED STATES OF AMERICA

4 v. 05 Cr. 621 (KMK)

5 ALBERTO VILAR Hearing
5 GARY TANAKA,
6 Defendant.

6 -----x

7 New York, N.Y.
7 August 9, 2006
8 9:45 a.m.

8 Before:

9 KENNETH M. KARAS
10 District Judge

11 MICHAEL J. GARCIA
11 United States Attorney for the
12 Southern District of New York
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689ztan1 Fratterigo - redirect

1 MS. McEVOY: Just give them to you, so.

2 Q. Can you just explain for the record, which of those
3 exhibits is draft one and which is draft two?

4 MR. KOBRE: Objection to the characterization of the
5 documents as drafts. I don't think the witness ever
6 characterized that final one as a draft.

7 THE COURT: Sustained.

8 Q. Can you explain for us -- you testified about a first draft
9 that you did. Which of those exhibits is that?

10 A. The first draft is exhibit WW.

11 Q. And what is exhibit XXX?

12 A. That was the last draft on the, the final.

13 Q. The final draft?

14 A. Yes.

15 Q. Okay.

16 THE COURT: It's XX, right, not XXX. XXX or XX?

17 THE WITNESS: Double.

18 THE COURT: XX. Okay.

19 Q. Did Mr. Tanaka make the statement that you included in the
20 final draft of defendant exhibit XX?

21 A. Yes.

22 Q. At the time you modified the draft MOI, which is defense
23 exhibit WW, did you make a conscious decision not to change the
24 date on the MOI?

25 A. No.

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1 Q. Did you have any reason to conceal from anyone the fact
2 that defense exhibit XX was created on a date after defense
3 exhibit WW?

4 A. No.

5 Q. Now I'm going to direct your attention to the U.K. search.

6 MR. KOBRE: Your Honor, may -- I just want to just
7 note at this moment in the testimony it is our position, in
8 light of the testimony, the door's now been open to the
9 discussion that supposedly occurred between Miss Fraterrigo and
10 Mr. Tanaka that day. I tried to get into a little bit of the
11 time what was actually discussed in my direct -- in my
12 examination. Government objected, your Honor sustained the
13 objections. Now they're actually asking questions as to what
14 exactly Mr. Tanaka said. It's our --

15 THE COURT: No, no. Because the door was opened by
16 you in terms of the Inspector's credibility, and in terms of
17 what changes she made and what she -- when she made them. It's
18 not -- this inquiry doesn't go into the sequence of who said
19 what and when and how long they were in hotel rooms and what
20 not. I don't agree. I don't agree. Go ahead.

21 BY MS. McEVOY:

22 Q. Now turn to the U.K. search Inspector Fratterigo. Do you
23 recall being asked a question on cross-examination about
24 whether you kept a log of materials you reviewed in the U.K.?

25 A. Yes.

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